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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-527

HF144

VICTIMS OF CRIME TECHNICAL AMENDMENTS ACT OF 1986

APRIL 10, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. CONYERS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 2998]

[Including cost estimate of the Congressional Budget Office]

ORIGINAL

The Committee on the Judiciary, to whom was referred the bill (H.R. 2998) to make technical amendments to title 18, United States Code, relating to victims of crime and to the Victims of Crime Act of 1984, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Crime Technical Amendments Act of 1986".

SEC. 2. CROSS REFERENCE ELIMINATION.

Section 3671(a) in the chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime is amended by striking out "chapter 227 or 231 of".

SEC. 3. REDESIGNATION OF DUPLICATE SECTIONS AND CHAPTER.

(a) SECTION REDESIGNATION.—Sections 3671 and 3672 in the chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime are redesignated as sections 3681 and 3682, respectively.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime is amended by striking out "3671" and "3672" and inserting in lieu thereof "3681" and "3682", respectively.

(c) CHAPTER DESIGNATION.—The chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime is redesignated as chapter 232A.

(d) TABLE OF CHAPTERS.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by striking out the item relating to the chapter

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232 which relates to special forfeiture of collateral profits of crime and inserting in lieu thereof the following:

"232A. Special forfeiture of collateral profits of crime ..... 3681".

SEC. 4. CROSS REFERENCE AND INTERNAL SUBSECTION REDESIGNATION.

Section 1407 of the Victims of Crime Act of 1984 is amended—

(1) in subsection (h) by striking out "1302" and inserting in lieu thereof "1402"; and

(2) by redesignating subsection (h) as subsection (g).

SEC. 5. REPEAL OF SECTION 1410 OF THE VICTIMS OF CRIME ACT OF 1984.

The Victims of Crime Act of 1984 is amended by striking out section 1410.

BACKGROUND

The purpose of H.R. 2998 is to correct cross-references and make other technical corrections in the Victims of Crime Act of 1984 and in provisions of title 18, United States Code, that relate to crime victims. The changes made by the bill are consistent with recommendations of the Department of Justice and have not been objected to by any interested party.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section one of the bill provides that the short title of the legislation is the "Victims of Crime Technical Amendments Act of 1986".

SECTION 2

Section two of the bill strikes a cross-reference in 18 U.S.C. 3671(a) to chapters 227 and 231 of title 18, United States Code. A specific reference to those chapters is unnecessary, and the Sentencing Reform Act, when it takes effect, will repeal those chapters and thereby render the present cross-reference incorrect. *See* Pub. L. No. 98-473, § 212(a)(2), 98 Stat. 1987 (1984).

SECTION 3

Section three of the bill redesignates duplicate sections and chapters. Section 3(a) redesignates 18 U.S.C. 3671 and 3672 as 18 U.S.C. 3681 and 3682 respectively. This redesignation is necessary because the Sentencing Reform Act has designated other provisions as sections 3671 and 3672. *See* Pub. L. No. 98-473, § 212(a)(1), 98 Stat. 1987 (1984). Section 3(b) amends the table of sections for chapter 232 of title 18 to reflect the change made by section 3(a).

Section 3(c) of the bill redesignates chapter 232 of title 18, United States Code, as chapter 232A. This redesignation is necessary because the Sentencing Reform Act creates a new chapter 232 dealing with miscellaneous sentencing provisions. *See* Pub. L. No. 98-473, § 212(a)(5), 98 Stat. 2010 (1984). Section 3(d) amends the table of chapters at the beginning of part II of title 18, United States Code, to reflect the change made by section 3(c).

SECTION 4

Section four of the bill corrects typographical errors in the Victims of Crime Act of 1984 (chapter 14, title II, of the Comprehensive Crime Control Act of 1984), Pub. L. No. 98-473, §§ 1401-10, 98

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Stat. 2170-78 (1984). Section 4(1) corrects a cross-reference in section 1407(h) of the Victims of Crime Act, changing "1302" to "1402". Section 4(2) redesignates subsection (h) of section 1407 as subsection (g) (there is presently no subsection (g)).

SECTION 5

Section five of the bill deletes section 1410 of the Victims of Crime Act, Pub. L. No. 98-473, § 1410, 98 Stat. 2178 (1984), which makes a conforming amendment to 18 U.S.C. 3150(a). That conforming amendment, which should have been to 18 U.S.C. 3150a instead, is no longer necessary because the Bail Reform Act repealed 18 U.S.C. 3150a. *See* Pub. L. No. 98-473, § 203(a), 98 Stat. 1976 (1984).

OVERSIGHT FINDINGS

The Committee makes no oversight findings with respect to this legislation.

In regard to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to this Committee by the Committee on Government Operations.

NEW BUDGET AUTHORITY

In regard to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, H.R. 2998 creates no new budget authority or increased tax expenditures for the Federal Government.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee finds that the bill will have no inflationary impact on prices or costs in the operation of the national economy.

FEDERAL ADVISORY COMMITTEE ACT OF 1972

The Committee finds that this legislation does not create any new advisory committee within the meaning of the Federal Advisory Committee Act of 1972.

STATEMENT OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 7, 1986.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2998, the Victims of Crime Technical Amendments Act of 1986, as ordered reported by the House Committee on the Judiciary, March 21, 1986.

This bill makes a number of technical amendments to sections of Title 18 of the U.S. Code relating to crime victims. CBO estimates

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that no cost to the federal government or to state or local governments would result from enactment of this bill.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

COST ESTIMATE

In regard to clause 7 of rule XIII of the Rules of the House of Representatives, the Committee agrees with the cost estimate of the Congressional Budget Office and estimates that the enactment of this legislation will not result in any cost to Federal, State, or local governments.

COMMITTEE VOTE

The Committee reported H.R. 2998 on March 21, 1986, by voice vote, a quorum of Members being present.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 18—UNITED STATES CODE

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PART II—CRIMINAL PROCEDURE

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[232. Special forfeiture of collateral profits of crime ..... 3671]

232A. Special forfeiture of collateral profits of crime 3681

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CHAPTER [232] *232A*—SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME

Sec.

[3671.] *3681.* Order of special forfeiture.

[3672.] *3682.* Notice to victims of order of special forfeiture.

[§ 3671.] *§ 3681.* Order of special forfeiture

(a) Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense against the United States resulting in physical harm to an individual, and after notice to any interested party, the court shall, if the court determines that the interest of justice or an order of restitution under [chapter 227 or 231 of] this title so requires, order such de-

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fendant to forfeit all or any part of proceeds received or to be received by that defendant, or a transferee of that defendant, from a contract relating to a depiction of such crime in a movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind, or an expression of that defendant's thoughts, opinions, or emotions regarding such crime.

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[§ 3672.] *§ 3682.* Notice to victims of order of special forfeiture

The United States attorney shall, within thirty days after the imposition of an order under this chapter and at such other times as the Attorney General may require, publish in a newspaper of general circulation in the district in which the offense for which a defendant was convicted occurred, a notice that states—

(1) the name of, and other identifying information about, the defendant;

(2) the offense for which the defendant was convicted; and

(3) that the court has ordered a special forfeiture of certain proceeds that may be used to satisfy a judgment obtained against the defendant by a victim of an offense for which the defendant has been convicted.

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VICTIMS OF CRIME ACT OF 1984

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ADMINISTRATIVE PROVISIONS

SEC. 1407. (a) * * *

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[(h)](g) The Attorney General shall, no later than December 31, 1987, report to the President and to the Congress on the revenue derived from each source described in section **[1302]** *1402* and on the effectiveness of the activities supported under this chapter. The Attorney General may include in such report recommendations for legislation to improve this chapter.

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[CONFORMING AMENDMENT

[SEC. "1410. Section 3150(a) of title 18 U.S.C. is amended by striking out "the general fund of".**]**

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